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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 09/770,586   | 01/25/2001  | Clint H. O'Connor    | 16356.600 (DC-02884) | 7588             |
| 7590 11/12/2004  |             |                      | EXAMINER             |                  |
| David L. McCombs<br>Haynes and Boone, L.L.P.<br>901 Main Street, Suite 3100<br>Dallas, TX 75202-3789 |             |                      | DU, THUAN N          |                  |
|  |             |                      | ART UNIT             | PAPER NUMBER     |
|  |             |                      | 2116                 |                  |

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/770,586

Applicant(s)

O'CONNOR ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2001 and 29 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-21 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/20/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 4/29/02) and IDS (dated 9/20/01).
2. Claims 1-21 are presented for examination.

### ***Drawings***

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings are required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 1-3, 5-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kroening et al. [Kroening] (U.S. Patent No. 6,080,207).

6. Regarding claim 1, Kroening teaches a method of manufacturing a computing product comprising:

assembling a computing product according to a specified hardware configuration [col. 4, lines 2-3, 35-37];

transmitting configuration information to the assembled computing product via a wireless communication connection [lines 10-12 of abstract; col. 3, lines 26-27, 59-61; col. 3, line 67 to col. 4, line 3; col. 6, lines 38-42, 51-53];

receiving the configuration information by the assembled computing product [lines 10-12 of abstract] and

configuring the assembled computing product with the received configuration information [col. 6, lines 40-45].

7. Regarding claim 2, Kroening teaches that the configuration information is hardware configuration information [col. 4, lines 12-16].

8. Regarding claim 3, Kroening teaches that the configuration information is software configuration information [col. 4, lines 10-12].

9. Regarding claim 5, Kroening teaches that the transmitting configuration information further comprising the step of wirelessly transmitting operating system configuration information to the assembled computer product [col. 4, lines 35-37; col. 7, lines 42-64].

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10. Regarding claim 6, Kroening teaches that the transmitting configuration information further comprising the step of wirelessly transmitting application software configuration information to the assembled computer product [col. 7, lines 49-52].

11. Regarding claim 7, Kroening teaches that application software is wirelessly transmitted to the assembled computer product [col. 4, lines 10-12, 35-37].

12. Regarding claims 8-10, Kroening teaches that the application software and application software configuration are defined by a predetermined customer or a customer's service provider [col. 3, lines 59-61; col. 4, lines 10-12, 35-37; col. 7, lines 43-45].

13. Regarding claim 12, Kroening teaches that the computing product is a battery powered portable computer system [col. 3, line 7].

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroening et al. [Kroening] (U.S. Patent No. 6,080,207).

16. Regarding claim 4, Kroening does not explicitly teach driver information for peripheral devices is wirelessly transmitted to the assembled computing product. However, Kroening discloses that a variety of applications or a variety of configurations files could be wirelessly transmitted to the assembled computing product [col. 4, lines 36-37; col. 7, line 60]. Therefore,

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one of ordinary skill in the art would have recognized that variety of peripheral device drivers could also be wirelessly transmitted to the assembled computing product depends on the need of the assembled computing product.

17. Regarding claim 11, Kroening does not explicitly teach that the specified hardware configuration in the assembling is a customer selected configuration. However, one of ordinary skill in the art would have recognized that it would have been obvious to allow the customers to select hardware configuration in the same way they select their software configuration.

18. Regarding claim 13, Kroening does not explicitly teach the step of confirming the computing product is appropriately configured subsequent to the configuring. However, Kroening teaches that error checking is made during the creating of the image before the image is transmitted to the computing product [col. 5, lines 17-26]. Kroening does aware of the operation of the configured computing product. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kroening to include a confirmation step to ensure that the computing product operate error free after being configured.

***Allowable Subject Matter***

19. Claims 14-21 are allowed.

***Reasons for Allowance***

20. The following is an examiner's statement of reasons for allowance:

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Applicant's claimed invention distinguishes over the prior art for the following reasons. The claims are allowable over the prior art of record because none of the references, either alone or in combination, discloses or renders obvious the method of manufacturing a computer system having a wireless communication subsystem comprising, among other steps, the steps of placing an assembled computer system in a shipping container to provide a containerized computer system and configuring the containerized computer system according to a received, via a wireless communication, configuration information.

### ***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday and Wednesday-Friday: 10:00 AM - 8:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized flourish extending to the right.

Thuan N. Du  
November 5, 2004